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*Attorneys for Plaintiff, CHANEL, INC.*

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

CHANEL, INC., a New York corporation,	)	Case No. 2:15-cv-01467-GMN-PAL
	)	
Plaintiff,	)	
	)	
v.	)	<b>PLAINTIFF'S APPLICATION FOR ENTRY</b>
	)	<b>OF CLERK'S DEFAULT</b>
NELLA CHUNKY, LLC, a Nevada limited	)	
liability company, d/b/a fresh-tops.com	)	
d/b/a freshtops d/b/a fresh-tops d/b/a	)	
@freshtops, and DOES 1-10	)	
	)	
Defendants.	)	

Plaintiff, Chanel, Inc., by and through its undersigned counsel, hereby applies for entry of a default by the Clerk against the Defendant Nella Chunky, LLC, a Nevada limited liability company, d/b/a fresh-tops.com d/b/a freshtops d/b/a fresh-tops d/b/a @freshtops (the "Defendant"), and states as follows:

1. This Court issued a Summons in the name of the Defendant on July 31, 2015 (Doc. No. 5).
2. The Defendant was served on August 14, 2015 with its Summons, and a copy of the Complaint. On October 30, 2015, the Defendant was served with a copy of the First Amended Complaint. A true and correct copy of the Proof of Service and the Acceptance of Service of the

1 First Amended Complaint are on file with the Court as Docket Numbers 9 and 8, respectively.  
 2 Accordingly, the Defendant's response to the First Amended Complaint was due on or before  
 3 November 16, 2015.

4 3. As of November 16, 2015, the time within which the Defendant may respond to the  
 5 First Amended Complaint had expired. To date, the Defendant has not filed or served any response  
 6 to the Complaint or the First Amended Complaint nor requested an enlargement of time to respond  
 7 to the First Amended Complaint, nor has any counsel made an appearance on behalf of the  
 8 Defendant.<sup>1</sup> Counsel for Plaintiff has reviewed the docket in this matter as evidenced by the Decl. of  
 9 J. Scott Burris in Support of Application for Entry of Default by Clerk. (Ex. 1.)

10 4. The Defendant is a limited liability company, and, therefore, could not be considered  
 11 an infant or incompetent person. Furthermore, the Servicemembers Civil Relief Act does not apply  
 12 to this Defendant.

13 WHEREFORE, Plaintiff, Chanel, Inc. requests that default be entered against the Defendant  
 14 Nella Chunky, LLC, a Nevada limited liability company, d/b/a fresh-tops.com d/b/a freshtops d/b/a  
 15 fresh-tops d/b/a @freshtops ("Nella Chunky, LLC").

16 DATED: November 30, 2015

17 **WILSON, ELSER, MOSKOWITZ,**  
 18 **EDELMAN & DICKER, LLP**

19 By: /s/ J. Scott Burris  
 20 Sheri Thome (No. 8657)  
 21 J. Scott Burris (No. 10529)  
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*Attorneys for Plaintiff, CHANEL, INC.*

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 25 <sup>1</sup> Counsel for the Defendant has been in communication with undersigned counsel in connection  
 26 with discussions to resolve this matter, and Plaintiff authorized several extensions of time of the  
 27 Defendant's deadline to respond to the initial Complaint to allow those discussions to proceed which  
 28 extensions have lapsed. However, the parties have been unable to reach a settlement. Counsel for  
 Defendant has not made a formal appearance in this matter, has not requested an extension of time to  
 respond to the First Amended Complaint nor has Plaintiff authorized any further extensions, and  
 Defendant's counsel is aware that Chanel intends to seek default against the Defendant.